

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: North Dakota

MORE RESTRICTIVE METHODS OF TREATING RESOURCES  
THAN THOSE OF THE SSI PROGRAM - Section 1902(f) States only

More Restrictive Criteria

1. Except for individuals covered by Section 1924 of the Act, the resources of the parent(s) will be deemed available for those individuals who are in long term care, the State Hospital, or in a specialized facility and thus considered separated for purposes of the SSI Program. The resources of the spouse will be deemed available for these individuals who are in a specialized facility and thus considered separated for the purposes of the SSI Program. The medically needy resource provisions will be applied as though the individual(s) were all residing in the same household.
2. Except for individuals covered by Section 1924 of the Act, the ineligible, noninstitutionalized spouse who has lived apart from the applicant or recipient for at least six months may separately own resources (liquid, personal or real) up to the maximum amount allowed.
3. All SSI recipients are subject to the medically needy resource limit regarding income producing property.
4. Liquid assets include actual cash, savings, redeemable stocks and bonds, accounts receivable, etc. Liquid assets can be replenished at any time and may be accumulated out of exempted income during periods of eligibility. Liquid assets held in joint ownership will be considered available in total to the Medical Assistance Unit.
5. Real Property includes land, buildings, mineral rights, burial plots, contractual rights on real property, etc. Joint ownership of real property will be considered available on an equal basis unless otherwise specified.
6. Personal property includes cash surrender value of life insurance policies, vehicles, machinery, livestock, grave markers, burial vaults, contractual rights on personal property, etc. Joint ownership of personal property will be considered available on an equal basis unless otherwise specified.
7. Burial insurance is counted unless it specifically provides that the proceeds can be used only to pay burial expenses of the insured.

TN No. 93-13

Supersedes 92-10 Approval Date 10/22/93

TN No. 87-9

Effective Date 4/1/93

HCFA ID: 7985E

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8. Real or personal property which is essential to earning a livelihood is considered "available" in determining Medical Assistance eligibility unless the property owners are actively engaged in using the property to earn income and derive the total benefit of such income for their personal needs. An individual is actively engaged in utilizing the property if the individual contributes significant current personal labor in utilizing the property for income producing purposes. The payment of social security taxes on the income from such current personal labor is an indicator of the active utilization of the property. (Property which merely produces rental or lease income will be considered available in determining Medical Assistance eligibility.)
9. Retroactive lump-sum SSI income payments are counted as resources in the month following the month in which they are received.
10. Funeral set-asides not usually counted in the funeral expense allowance of the SSI program, i.e., headstones, crypts, plots, caskets, etc., are subject to a \$1500 limitation over the Standard SSI \$1500 limit, plus interest accrued after 7/1/87.
11. The essential feature of a "Contract for Deed" is the right to receive periodic payments, usually coupled with a right to get the property back if the payments are not made. Contractual rights to receive money payments also arise out of other types of transactions. The valuable contract documents may be called a note, accounts receivable, mortgage, or by some other name.

Because many such contracts were entered into when interest rates were lower, the contracts are not negotiable at their face value. That is not to say they have no value. A proper valuation may be made by a process called "discounting," which will take into account the changes in the interest rates. The discounted value will be determined by the Legal Services Division of the Department of Human Services. A letter requesting the discounted value accompanied by the contract documents must be sent to the Legal Services Division.

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If the discounted value, alone or added to the value of other property, is in excess of program limits, the applicant/recipient is ineligible and may attempt to reduce property holdings to the allowable resource limits to establish eligibility. It is presumed that the contract, like any other property, is saleable without working an undue hardship.

Resource Exemptions

1. The home occupied by the individual or member of the Medical Assistance Unit will be exempt in determining eligibility for Medical Assistance. The home is defined as including the land on which it is located, providing the acreage does not exceed 160 contiguous acres if rural, or two acres if located in town. Acreage in excess of the 160 (rural) or 2 (if located in town) would be declared "Real Property Other Than the Home."

The home will be considered "occupied" and exempt if the individual or Medical Assistance Unit is temporarily absent but actually intends, and is able, to return within a reasonable length of time; otherwise such property will be considered "Other Real Property." If the home is exempt for the aforementioned reason, adequate documentation and frequent review are required.

a home of an individual in long term care or the State Hospital with no spouse or family at home may be considered exempt for a period of not more than six months when a physician has certified that the individual is likely to return to his home within that period.